

ETHICS ADVISORY #99-05 - Employee Holiday Celebrations

We are approaching that time of the year when AMC employees plan and prepare their office celebration during the holiday season. It's a time when groups of employees get together in some way to enjoy each other's camaraderie and teamwork, which might involve songs, games, sharing a meal, pictures, and a good time. Such celebrations raise ethics and related type of issues -- there are some absolute rules... but, in many cases, the issues involve the application of **"Judgment!"**

Before we actually get to the issues, I must point out the need for each of us to be sensitive to the fact that not all of us celebrate the same holidays. What we call the celebration, how we refer to the season, and our greetings to one another should take this fact into account. Unless we know for sure whether and what holidays our colleagues celebrate, we should be somewhat generic in our references.

The first, and perhaps most obvious issue, is whether we can partake in this employee celebration on Government time. Yes, but only up to a point. The issues usually don't arise with the time taken for the actual event -- perhaps a "pot luck" in the office, or a more formal luncheon event at a restaurant. The issue usually comes about with the preparations. The key to resolving these issues is **"Judgment!."** Certainly, our supervisors, directors and commanders can permit us to use some duty time for the preparations... some things must of necessity be done during the duty day. However, preparing the holiday celebration should not become a significant part of any employee's duties. Examples:

It would be wrong to have a committee of five employees spend two duty days visiting potential restaurants to explore facilities and menus, followed by another two days worth of time to inform the group, obtain votes, and develop consensus, followed by another trip to make final arrangements. On the other hand a few short telephone calls during the day requesting fax'es from some restaurants, a couple of short planning discussions in the office, and visiting one or two during lunch, maybe even a "long" lunch with supervisory approval, would be permissible. **Judgment!**

It would be wrong for the decorations and games committee to spend a duty day visiting party shops to get ideas, followed by another work day of organizing the games and making the decorations. However, a brief planning session on Government time, followed by a few short telephone calls to party shops, with visits and purchases made after duty hours, assignment of responsibilities and delivery of purchased items to volunteers during the duty day, with the decorations made during lunch periods or after the duty day, would be permissible. **Judgment!**

Another issue is fundraising. Let's look at a fictional organization called the Technical Directorate (TD). The TD employees want to have this wonderful celebration of their working relationship and teamwork during this holiday season at an upscale restaurant. The cost will be \$50 a piece! A lot of money, but the employees decide that they will try to raise money to pare down the cost. Can they?

The general rule is no fundraising. But, there are exceptions and, in this type of situation, the TD employees may do so. But, there are limits. A couple of common mistakes are as follows:

It is wrong to solicit outside sources (local restaurants, car dealerships, department stores, professional associations, contractors, and other businesses) for donations, to include door prizes, for the function. Even in a situation where the "gift" might fit one of the gift exceptions, that exception cannot be used if the gift was solicited in the first place.

It is wrong to raise money by running a raffle.

The DoD Joint Ethics Regulation permits an organization of employees to raise money among their own members for benefit of their own members when approved by the head of that organization after consultation with the Ethics Counselor. Therefore, the TD employees could run a bakesale (or some other event like a silent auction) in the AMC HQ building to raise money to reduce the cost of tickets for the employee celebration. They can even solicit from other employees in the AMC family in the HQ building. However, the Director needs to approve the plan after consultation with the Ethics Counselor. Here is what the EC will advise:

Keep it low key. This fund-raiser should not begin to look like the sole occupation of the TD employees in the week leading up to the event, and the day of the sale. Do not use official Government e-mail to announce the bakesale (i.e., do not send an e-mail to HQAMC-All-Personnel, which is addressed to 1,400 people here, the Pentagon, and elsewhere).

Use minimal Government time. No duty time should be used to bake or purchase cakes, cookies, etc. However, some minimal time during the day could be used to plan and decide who would bring what. The employees actually conducting the sale should do so primarily on their personal time, although the Director might also permit the use of a minimal amount of duty time. This effort should not become a significant part of anyone's duties. **Judgment!**

It would be permissible for an employee to use the Government computer and printer to print a few flyers to post on the elevator hall bulletin boards, or to use office "butcher paper" to announce the sale, and borrow the office easel to post the "butcher paper" announcement at the entrance to the building. (However, this

should be first coordinated with the building management). It would not be permissible to order placards and other announcements of the event from the audio-visual office. Use of Government resources requires **Judgment!**

Do not solicit outside sources to contribute baked goods.

Contractor employees, cafeteria workers and other visitors to the building who become aware of the bake sale may purchase items. The important thing is that we do not personally solicit them, or engage in other solicitation that targets them.

A common question is whether the employees of the contractors that support our DCS may attend our celebratory gathering. Of course they can. However:

There should be no official encouragement of someone else's employee's to leave their workplace. However, we can let it be known that they may attend and will be a welcome part of the event.

Whether the contractors' employees can take the time off to attend, and the nature of the time off (e.g., leave, personal day, administrative absence) are between the contractor and its employees. When a contractor's employee is absent, the contractor cannot bill for services not delivered, and may have concerns about such issues as contract schedules, delivery dates, and other matters. Accordingly, it is the contractor that must decide if and under what conditions one or more of its employees may be absent.

Contractor employees should not be tasked or asked to volunteer to organize the event.

A final common issue has to do with gifts. May we exchange gifts among ourselves during the holiday season? Yes! But again, there are limits.

The highest value of any gift that we can give to a superior in this type of situation is \$10. And, we may not solicit contributions from other employees.

We may not accept a gift from anyone who makes less money than we do as a Federal employee, unless there is no superior-subordinate relationship, and there is a personal relationship that would justify the gift. Again, the exception would be for a gift where the value does not exceed \$10, with no soliciting of contributions from other employees.

We may have a gift exchange among employees. If it is an anonymous-type exchange, a reasonable value should be established for the individual gifts. If it is

not anonymous, i.e., each employee knows for whom they are buying a gift, a value of not to exceed \$10 is the limit.

In summary, it is permissible for us, as employees, to plan and participate in an event during the holiday season. However, be careful of the pitfalls, some of which are set out above. And, while some limited use of Government resources and time is permissible, we must be careful and apply reason, common sense and **Judgment!** Finally, remember that Government funds may not be used for decorations, greeting cards, and other elements of our holiday festivities.

If you have any questions, please contact one of us.

Mike Wentink, 617-8003, Room 7E18
Ethics Counselor

Alex Bailey, 617-8004, Room 7E18
Ethics Counselor

Stan Citron, 617-8043, Room 7E18
Ethics Counselor